

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION,	:	
	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 1:08-cv-06609-PAC
	:	
GIANLUCA DI NARDO, et al.,	:	Related Case: 08-cv-4520-PAC
	:	
Defendants.	:	
	:	

**PLAINTIFF’S MOTION TO DISBURSE FUNDS
TO PAY FEES AND EXPENSES OF TAX ADMINISTRATOR**

The Securities and Exchange Commission (“SEC” or “Commission”) respectfully requests that the Court enter an Order for the Clerk of the Court to disburse funds on deposit with the registry of the Court to pay certain fees and expenses of the Tax Administrator.

By order dated October 12, 2010, the Court entered Final Judgment as to Defendants Gianluca Di Nardo (“Di Nardo”) and Corralero Holdings, Inc. (“Corralero”) pursuant to Rule 54(b) of the Federal Rules of Civil Procedure. Pursuant to the Final Judgment, on November 10, 2011, Defendants Di Nardo and Corralero caused a total of \$3,001,945.77 to be paid to the Clerk of this Court, representing disgorgement, prejudgment interest, and penalty owed.

By order dated April 19, 2011, the Court entered Final Judgments as to the remaining Defendants in this action, Oscar Ronzoni (“Ronzoni”), Paolo Busardò (“Busardò”), Tatus Corp. (“Tatus”), and A-Round Investment SA (“A-Round”). Pursuant to the Final Judgments, on May 27, 2011 and in a subsequent, supplemental payment, Ronzoni, Busardò, and Tatus caused a total

of \$1,460,238.96 to be paid to the Clerk of this Court, representing disgorgement, prejudgment interest, and penalty owed.

Taken together, the payments by Di Nardo, Corralero, Ronzoni, Busardò, and Tatus (the “Distribution Fund”) were thereafter deposited in an interest-bearing account under the case name designation “SEC v. Gianluca Di Nardo, et al., No. 08 CIV 6609 (PAC).” The Distribution Fund constitutes a Qualified Settlement Fund (QSF) under section 468B(g) of the Internal Revenue Code (IRC), 26 U.S.C. § 468B(g), and related regulations, 26 C.F.R. §§ 1.468B-1 through 1.468B-5.

By Order filed on June 24, 2011, the Court appointed Damasco & Associates LLP to fulfill the tax obligations of the Distribution Fund. Pursuant to that Order, the Tax Administrator is required to pay taxes in a manner consistent with treatment of the Distribution Fund as a QSF, and is to be compensated for the tax services provided.

For the 2013 calendar year, the Tax Administrator has incurred fees and expenses of \$1,749.44 for tax services provided to the Distribution Fund. See Declaration of Jude P. Damasco in Support of Fee Request, dated February 4, 2014 (the “Declaration”), filed separately.

The Declaration has been reviewed by the undersigned Commission counsel who has no objections.

WHEREFORE, for all the foregoing reasons, the Commission respectfully requests that this Court enter the proposed Order and grant such other relief as it deems just and proper.

Dated: February 19, 2014
Washington, DC

Respectfully submitted,

/s/ Nichola L. Timmons
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CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2014, I electronically filed the foregoing Plaintiff's Motion to Disburse Funds to Pay Fees and Expenses of Tax Administrator and proposed Order with the Clerk of the Court using the CM/ECF system.

/s/ Nichola L. Timmons
Nichola L. Timmons